



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/014,297	01/27/98	BROWN	F LI30-001

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EXAMINER

CHOI, K

ART UNIT

PAPER NUMBER

2763

DATE MAILED:

10
05/02/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action

Application No.

09/014,297

Examiner

Kyle J. Choi

Applicant(s)

BROWN, FRED A.

Art Unit

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 April 2000 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either a timely filed amendment which places the application in condition for allowance or a Notice of Appeal. Alternatively, applicant may obtain further examination by timely filling a request for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d).

PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 707.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136 (a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked.

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search. (see NOTE below);
 - (b) ☐ they raise the issue of new matter. (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

4. ☐ Applicant's reply has overcome the following rejection(s): _____.
5. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
6. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: (see attached explanation).
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-20.
- Claim(s) withdrawn from consideration: _____.
9. ☐ The proposed drawing correction filed on _____ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
11. ☐ Other:

See attached Interview Summary



ERIC W. STAMBER
PRIMARY EXAMINER

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed April 18, 2000 have been fully considered but they are not persuasive for the following reasons.

2. Applicant contends that the Thompson et al. (US Pat. No. 5,574,841) does not anticipate the claims of the present application because various features recited in the claims are not taught. On the contrary, Thompson et al. teaches all the limitation as recited in the claims for the reasons described below.

3. With regard to claim 1, the main feature allegedly not taught by Thompson et al. is that the system of Thompson et al. is only for generating an initial design of a power line and fails to teach modeling a design structure following supporting of the conductor. Moreover, it is alleged that Thompson et al. does not teach "increasing" the power handling capability of a power line.

4. Turning first to the language of the claims, claim 1 recites, in part, the steps of:

...providing a conductor configured to transmit energy intermediate plural locations;

supporting the conductor at a plurality of positions intermediate the locations, the supporting

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at a plurality of positions defining a plurality of spans within the conductor....

Thompson et al. specifically teaches that "[O]nce the support structures have been planted, the conductors may be modelled." (col. 4, lns. 41-42). Moreover, the arguments in the above-identified communication does not provide what the novelty of the claimed invention is, but rather discusses at length the teachings of Thompson et al. and how it allegedly does not teach modeling the power line after the "supporting" step. However, it is clear from the above passage that Thompson et al. teaches modeling a power line after it is planted (i.e., supported).

5. Perhaps the ambiguity is arising from the scope of the claim language. During the telephonic interview on March 8, 2000 with the applicant's representative, it was suggested that the difference between claim 1 and the teachings of Thompson et al. is that Thompson et al. does not teach modeling and already existing (i.e., built) power line. However, the language of claim 1 does not suggest nor support that the power line being modeled is an already existing power line. It merely recites that the conductor is "supported" before being modeled, and Thompson et al. clearly teaches "planting" the power line before modeling is performed.

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6. This leads to and seems to support the second element of the argument that Thompson et al. only teaches a system for generating an "initial design" of a power line. However, it is respectfully submitted that applicant's interpretation of "initial design" as taught by Thompson et al. is slightly misplaced. It is true that Thompson's system and method can be used to generate a "new" power line that is not currently in existence, i.e., applicant's interpretation of an "initial" power line. However, Thompson's characterization of "initial" design of a power line is not necessarily a non-existing power line, but rather a "first" draft of a design before undergoing further modifications, i.e., an "initial" design before editing the design based on optimization of the components, for example. (col. 3, lns. 17-19; col. 7, lns. 46-48; col. 19, lns. 35-36, 42-44). Indeed, Thompson et al. teaches that existing power lines can be modeled and re-designed, for example, for re-stringing the conductors on already existing power lines, trimming the conductors to reduce sag, etc. (col. 2, lns. 40-48; col. 3, lns. 21-30, 50-61; col. 4, lns. 15-19; col. 5, lns. 35-42; col. 6, lns. 22-25, 54-60; col. 11, lns. 47-58; col. 12, lns. 5-7; col. 12, 23-26, 40-44; col. 13, lns. 48-53; col. 16, lns. 7-8, 25-28; col. 17, lns. 27; col. 20, lns. 29-64). These passages teach that already existing power lines are surveyed

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and put into the database (i.e., modeled). Moreover, Thompson et al. does not teach that these modeled power lines are not precluded from being operated on in the design modules. Rather, Thompson et al. teaches that the sag/tension calculations can be performed on these modeled power lines and can be replaced with new conductors to determine the change in sag/tension. These are separate and apart from the maintenance/monitoring module capabilities.

7. This leads to the last prong of the argument that Thompson et al. fails to teach "increasing" the power handling capability of a power line. Firstly, the method of claim 1 recites the step of providing a conductor, supporting the conductor, modeling the supported conductor, identifying the critical span of the conductor, altering the modeled conductor, and analyzing the altered conductor. These steps are all taught in Thompson et al. as stated above and in the previous Final Office Action. Hence, increasing the power handling capability is incidental to the method of Thompson et al. That is to say, if the recited method achieves a desired result (i.e., increasing the power capability of a power line), a reference that discloses the same method also achieves the desired result whether it specifically recites the achieved result. Moreover, power handling capability of a power line is mostly based on the characteristic

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of the conductor. Thompson's system and method allows the engineer to design a power line using different conductors, hence allowing the engineer to increase/decrease the power handling capability of the designed power line.

8. This line of reasoning is applied throughout the rest of the claims. In particular, claim 9 recites the steps of providing a conductor, supporting the conductor with a plurality of clamps, altering the conductor including removing a portion and adjusting the clamp position.

9. Firstly, there is no recitation of a modeling step per se. Hence, this claim is broader than claim 1 in this respect and Thompson's design system and method applies if the recited steps are taught. As pointed out the Final Office Action, Thompson et al. teaches adjusting the length and type of conductor of a power line to achieve a particular result. Although Thompson et al. does not specifically teach choosing a conductor based on power handling capability, it is inherent that a designer choose a specific design of a power line based on its power handling capability. Moreover, Thompson et al. teaches a database full of different conductors with different characteristics that can be swapped during the design stage.

10. Furthermore, claim 9 reads on the already performed trial-by-error process of adjusting power lines. That is to say, if a

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technician strings a conductor and finds that the line is too long thereby reducing the power capability due to an increase in resistance, for example, the technician would cut is shorter to increase the power capability.

11. As to the last independent claim 14, it recites similar steps of claim 1 with the exception of a supporting step.

Hence, Thompson et al. anticipates these steps as described above and in the Final Office Action, and the "increasing" of power capabilities is inherent and incidental to the system and method of Thompson as explained above.

12. All the limitations of the dependent claims are taught in Thompson et al. as explained in the Final Office Action.

13. No claims allowed.

14. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051 (for formal communications intended for entry)

or:

(703) 308-1396 (informal or draft communications labeled "PROPOSED" or "DRAFT")

Hand delivered responses should be brought to Crystal Park 2, 2121 Crystal Drive, Arlington, VA., 6th floor receptionist.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle J. Choi whose telephone number is (703)306-5845. The examiner can normally be reached on Monday-Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin J Teska can be reached on (703)305-9704. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-1396 for regular communications and (703)308-1396 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

KJC
May 1, 2000

Interview Summary

Application No.

09/014,297

Applicant(s)

BROWN, FRED A.

Examiner

Kyle J. Choi

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All participants (applicant, applicant's representative, PTO personnel):

(1) Kyle J. Cho (examiner)i.

(3)_____.

(2) James Shaurette (attorney of record).

(4)_____.

Date of Interview: 01 May 2000 .

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: .

Claim(s) discussed: N/A .

Identification of prior art discussed: N/A .

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's representative authroized charging the deposit account (0230925) for payment of and Extention of Time in the 1st Month for a Small Entity in order to have the After Final Response of April 18, 2000 to be entered into the above-identified application .

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview(if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check the appropriate box at the bottom of the Form which informs the applicant that the submission of a separate record of the substance of the interview as a supplement to the Form is not required.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.